

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Solid Waste Management

**AGENDA DATE:** December 14, 2004

**CONTACT PERSON/PHONE:** Ellen A. Smyth, P.E., (915) 621-6719

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Approve a resolution to release a property lien placed against 170-172 South Glenwood.

**BACKGROUND / DISCUSSION:**

The property was cleaned September 16, 1992. Ten percent interest has been paid on the settlement.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Enterprise Fund

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Lisa A. Hayes

**FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on -the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for :

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
170-172 South Glenwood District 3	\$402.15	\$ 461.85	\$ 864.00

**ADOPTED this 14th day of December, 2004.**

CITY OF EL PASO

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Joe Wardy  
Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Lisa A. Hayes  
Assistant City Attorney

STATE OF TEXAS                 )  
  )  
COUNTY OF EL PASO         )

**RELEASE**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of the El Paso City Code, after providing due notice to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

**WHEREAS**, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of FOUR HUNDRED TWO AND 15/100 DOLLARS (\$ 402.15) to be a lien on the hereinafter described property by Resolution dated April 20, 1993, and said Resolution is recorded in Book 2559, Page 0980, of the Deeds Records of El Paso County, Texas; and

**WHEREAS**, the El Paso City Council has calculated the interest on this lien to be at ten percent annum (10%) totaling FOUR HUNDRED SIXTY ONE AND 85/100 DOLLARS (\$ 461.85); and,

**WHEREAS**, the property owner desires a release of the property covered by said solid waste management lien and has made satisfactory arrangement with the City of El Paso to justify said release;

**NOW, THEREFORE**, in consideration of the above, the City of El Paso, for valuable consideration, the receipt whereof is hereby acknowledged, does release the following property from the above-mentioned solid waste management lien:

170-172 South Glenwood, City of El Paso, El Paso County, Texas, being more particularly described as Lot W 209.18 FT of N ½ of 9 (12981.71 SQ FT), Block 6, Alameda Acres Subdivision, Parcel A438-999-0060-1900

**EXECUTED this 14th day of December, 2004.**

CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa A. Hayes  
Assistant City Attorney

(ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE)

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_  
\_\_\_\_\_, as \_\_\_\_\_ of the  
CITY OF EL PASO, known to me to be the person and officer whose name is subscribed to the  
foregoing instrument, and acknowledged before in my county aforesaid that he had executed the  
same for the purpose and consideration and in the capacity therein expressed, and as the act and  
deed of the City of El Paso.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of**  
**\_\_\_\_\_, 2004.**

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_